

Authority over Derelict Vessels

Definition:

“Derelict Vessel” means the vessel’s owner is known and can be located, and exerts control of a vessel that:

- 1). Has been moored, anchored, or otherwise left in the waters of the state or on public property contrary to RCW 79.01.760 or rules adopted by an authorized public entity;
- 2). Has been left on private property without authorization of the owner; or
- 3). Has been left for a period of seven consecutive days, and:
 - a). Is sunk or in danger of sinking;
 - b). Is obstructing a waterway; or
 - c). Is endangering life or property.

“Abandoned vessel” means the vessel's owner is not known or cannot be located, or if the vessel's owner is known and located but is unwilling to take control of the vessel, and the vessel has been left, moored, or anchored in the same area without the express consent, or contrary to the rules, of the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five day period. For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.

Description of agencies:

Department of Natural Resources

Contact: Michal Rechner (360) 902 -1075

Responsibility

- Environmental Protection
- Protect Navigation

Authority

- Derelict Vessel Removal and Disposal Program: ESHB 2376. State has statutory authority to provide funding and assistance to authorized public entities to clean up, remove, and dispose of derelict vessels.
- Proprietor: If a derelict vessel is located on State owned aquatic land it is in trespass.

Coast Guard

Contact: Craig Petersen (206) 217-6330

Responsibility

- Protect Navigation
- Clean up discharge or prevent a threatened discharge that will exceed the reportable quantity of hazardous substance under CERCLA. Coast Guard has a designated MOA in which they respond to incidents that fall under the Clean Water Act, the EPA responds to the remaining areas.

Authority is

- Oil Spill Liability Trust Fund: Provides funds to clean up oil spills and remove oil from vessels that are threatening to discharge oil.
- Super Fund: Provides funds to remove any other hazardous substance that is not oil related. (i.e. batteries)

- Work with Army Corps of Engineers when a vessel is a navigational hazard. Coast Guard will tow away vessel and Army Corps funds. (Navigational Hazard-anything that impacts COMMERCIAL traffic)

Authority is not

- Anything that impacts recreational traffic is not in the coast guards jurisdiction. I am not sure that this is as cut and dried as commercial vs. recreational traffic. I think that is the first cut, but the severity of the incident will play into the decision making. For this product, however, the distinction may be OK.

Army Corps of Engineers
Contact: Bob Parry (206) 764-3400

Responsibility

- Prevent navigational hazards

Authority is

- Have authority to remove vessel in a Federal Waterway if it is creating a navigational hazard. Owner will pay for removal.
- Vessels outside of Federal Waterway will be assessed by Army Corps and Coast Guard to determine if it is a navigational hazard or is threatening to become a navigational hazard. Will not always remove vessel.

Authority is not

- Have no authority in moorage areas and marinas.
- Will not remove a vessel for aesthetic reasons.

Department of Ecology
Contact: Marv Coleman (360) 407-6259

Responsibility

- Protect waters of the State from the release or threatened release of a hazardous substance.

Authority is

- Local Toxics Control Account: Local government entities can receive money to clean up contaminated property. Includes the threat of a release or a release of a hazardous substance. Fund pays for 50% of the cost of removal.
- Spill Response and Water Quality Toxics Control Program: Regulatory authority to respond to a threatened release or a release of a hazardous substance into any water of the State.
- Requires responsible party to clean up the release of contamination to the environment.
- Ecology can clean up contamination and perform a cost recovery on the responsible party for the long term or immediate responses.

Authority is not

- If there is no hazardous substance on the vessel or being released from the vessel the DOE has no authority to respond to a derelict vessel.

Department of Health

Contact: Frank Mariwether (360) 236-3330

Responsibility

- Ensure public is protected from consuming contaminated products.

Establish shellfish closure zones around the potential sources of pollution to waters near shellfish resources. I don't think DOH will close shellfish beds based on a potential source of pollution. I believe there has to be documented evidence of contaminated shellfish before they can issue a closure.

Authority is

- Close shellfish beds that are potentially being contaminated by nonpoint and point source pollutants.
- Will close down shellfish bed if nothing is known about a nearby vessel's wastewater holding tanks.

Authority is not

- No authority to take action with the vessel.

County Sheriff

Sgt. Harbor patrol

Sgt. Peter Cropp (253) 798-3882

Responsibility

- Act as a resource for the county.

Authority is

- Under county code, if a boat is floating freely must locate owner and prevent it from becoming a hazard to navigation.

Authority is not

- If vessel is moored or anchored county sheriff has no authority to remove vessel. There are cases when a public entity can take a vessel or property owner to court to abate a nuisance such as illegally stored/moored/anchored vessels (ask Courtney about the Sesko property. The City of Bremerton got a court order to have the Sesko's property cleaned up). The local law enforcement office would more than likely be involved in that type of situation.

Pierce County Health

Ray Hanowell (253) 798-2845

Responsibility

- Health of public

Authority

- Only have authority over activities that they permit.

Authority is not

- Authority ends at the shoreline.

Pierce County (land use)

Contact: Mike Krueger (253) 798-2700

Responsibility

Authority

- Shoreline Master Plan-waiting on info